

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|---------------------------------|---|---------------------|
| -----X | : | |
| RICARDO VELASQUEZ, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 22-CV-8591 (VSB) |
| -against- | : | |
| | : | <u>ORDER</u> |
| SMOKE ZONE PLUS CORPORATION and | : | |
| 233 E. 14 ST LLC, | : | |
| | : | |
| Defendants. | : | |
| -----X | | |


VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on October 9, 2022, (Doc. 1), and filed affidavits of service on December 28, 2022, (Docs. 7, 8). The affidavits of service showed Defendants were served on November 10, 2022 and the deadline for Defendants to respond to Plaintiff's complaint was December 1, 2022. (*See* Docs. 7,8.) On January 19, 2023, I directed Plaintiff to seek default judgment by no later than February 2, 2023. (Doc. 9.) I warned, "If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss Plaintiff's claims for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*) To date, Defendants have not appeared or responded to the complaint. Plaintiff, however, has not sought default judgment or taken any action to prosecute this case.

Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b).
The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: February 3, 2023
New York, New York


VERNON S. BRODERICK
United States District Judge